1932-

192 .

Department of Land Revenue

OFFICE Board of Revenue

STATION Madras.

Mis No. 2729

2729

A 2190/32

Dated 13-9-32

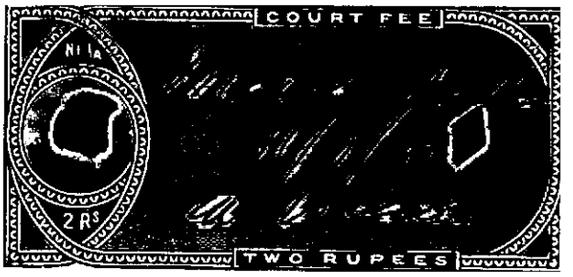
To whom sent	Date	Initial.
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on	

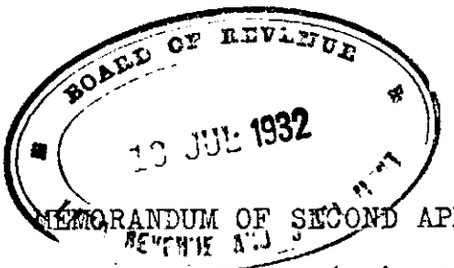
UNEXPURGATED
SEP 1932

(SUBJECT.)

Village officers (appointment)
Confirmation of Karnam Village
Headman - Desavalai Chendalapa
Palaiya 2nd appeal - orders passed

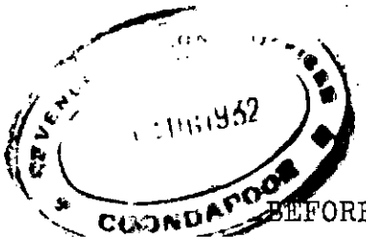
7:64 — 32 / 1





MEMORANDUM OF SECOND APPEAL UNDER BOARD STANDING ORDER 149 -10 (ii) of Standing Orders of the Board of Revenue.

RP 139 / A. Ds. 53 / A2190



BEFORE THE HONOURABLE MEMBERS OF THE BOARD OF REVENUE

Patelship Second Appeal No. of 1932.

Cherdappa Bhatta , Permanent Patel) Patel~~s~~,
of Kergal Village, Coondapur Taluq) (Petitioner).

Being aggrieved by the order of the Collector of South Kanara, Mangalore dated 8-6-1932 in D.Dis.No.5232-32 dismissing him from service the appellant begs to appeal to the Honourable Members of the Board against the said order on the following among other grounds:--

p 7 CF

1. The order of the Lower Court is contrary to law, rules of ~~tribunal~~ natural justice and equity.

2. The Lower Courts have not followed the rules and procedure laid down by the Board Standing Orders in cases of such enquiries and has completely ignored the statutory provisions of Board Standing Order 133 (2), under which the framing of a charge is compulsory and as such the non-compliance of it invalidates the whole proceedings.

p 776-779 of

3. The Lower Appellate Court ought to have held that there were material defects in the conduct of the enquiry and ought to have ~~recommended~~ remanded the case for ~~prompt~~ enquiry under Board Standing Orders 133(12).

do

4. The Highest Tribunal of the land namely, the High Court having gone into all the allegations and acquitted the

appellant. The Lower Courts ought to have given effect to Board Standing Orders 133 (13) and re-instated the appellant.

P 780-781/07 Vol. III

5. The Lower Courts having not based its order of dismissal on the ground of suspicion againhst the appellant regarding murder but on grounds of criminal intimacy, attempting to foist a false case and compounding a non-com-pundable offence of theft ought to have allowed the appellant an opportunity to meet these grounds by adducing evidence contra as the appellant was not charged or asked to meet or rebut these grounds before the Court of Sessions or High Court and what he had to meet before the Criminal Court was only the charge of murder on which he was acquitted.

6. The Judgment of the High Court has clearly exonerated the Appellant from all the allegations on which the dismissal order is now based and the Sub-Collector was entirely wrong in brushing aside the High Court Judgment and basing his dismissal order on the judgment of the Sessions Court which has been reversed by the High Court.

7. It has been repeatedly held and is regarded as a rule that the judgment of the High Court should receive due respect by all courts including Revenue Courts and the Sub Collector ought not to have flouted and disregarded the judgment of the High Court.

8. The appellant having been cleared of all charges by the High Court, the Sub Collector ought not to have dismissed him.

9. The enquiry held by the Sub Collector is opposed to the fundamental rules and equities existing and applicable for such enquiries.

10. No charges have been framed against the Patel and he has not been called upon nor given an opportunity to meet the charges, or adduce evidence.

11. It is not at all clear from the order of the Sub Collector on exactly what grounds he has thought fit to dismiss the Patel.

12. The Sub Collector does not appear to have appreciated or understood the evidence in the case.

13. The Sub Collector does not appear to have understood the facts leading to the complaint by Subbi's husband Rama. If Rama was roughly handled by the Patail's men, Rama had no business to file a complaint of theft against the Patel and others. Thus the complaint of Rama was false on the very face of it. There was no need to compound such a case and the statement made by Rama that he received Rs.40/- is absolutely false and was made by him under the stress of cross-examination in the Sessions Court and is neithe true nor has it any corroboration.

14. The learned Sub Collector does not appear to have appreciated the facts underlying the prosecution of Subbi by the Police of Coondapur. If Patel made a false report, Subbi was not the person to be prosecuted for it. The very fact that Subbi was prosecuted goes to show that the report was not false.

15. The criminal intimacy alleged is neither true nor is it proved and could not, in any case, be made a ground for the dismissal of the Patel.

16. The Patel should not have been taken to task for allegations said to have taken place prior to the death of Subbi and the Patel's conduct was not called

in question then.

17. The dismissal of the Patel is unjust and improper.

The appellant therefore humbly prays that the Board may be pleased to set aside his dismissal and restore him to his office.

M a d r a s,
12th July, 1932.

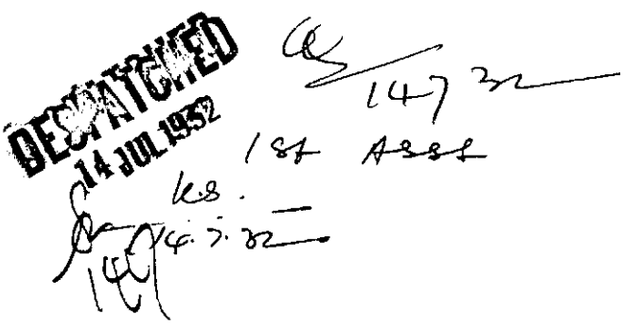
K. P. Sankrama Raj
Advocate for Appellant.

15

Endt-A 2190/32-B 14.7.32

P.C. Endt calling for an authenticated copy of the order of the RDO. Time till 18.8.32

Address p 10 CF



14/7/32

1st Asst

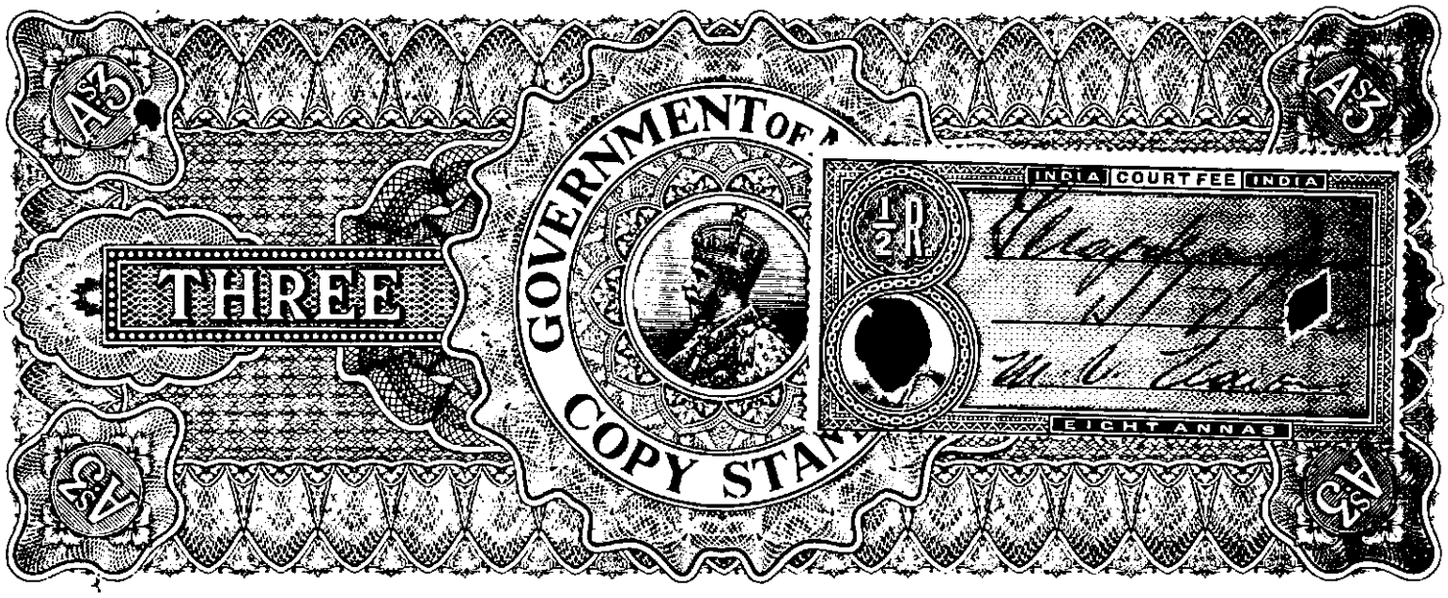
14.7.32

b

BEFORE THE BOARD OF REVENUE

Pateiship Appeai.

By
Mr. K.P. Sarvothama Rao
Advocate for Petitioner
46, Big Street, Triplicane



R. dis. No. 5232-32

Proceedings of the Collector of South Kanara, Mangalore

Dated 8th June 1932

Present: Khan Bahadur J. Hussain Bar-at-Law

Village officers - Headman - Coondapur Taluk Kergal Village - Sheradappa Bhatta — permanent Potail — Dismissal from Service — Appeal — Dismissed

(1) Appeal petition dated 2.6.1932 of Sheradappa Bhatta permanent Potail of Kergal Village, Coondapur Taluk

1-p/11-17 CF (2) Coondapur Sub-Collector's order R. dis. 736-32 dated 25-1932

Order

The Lower Court's order is quite right. The Collector declines to interfere (Sections) Appeal dismissed.

Sd/ J. Hussain

8.6.32

Collector

C.No 11603
T.A Rachu Kendapam 18/3/32
K. Dasaiya Hdt

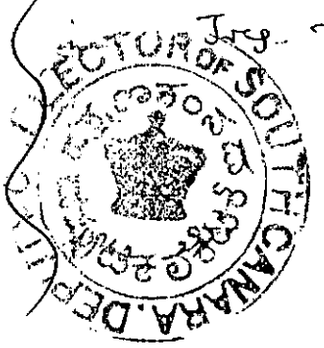
Application No. 158 for copy received	on	28.6.32
Stamp papers called for	"	—
Stamp papers produced	"	28.6.32
Copy ready	"	25.6.32
Copy delivered or sent by post to	"	30.6.32

Total words = 87

Copied by K Compd Cup Rw 29/6/32

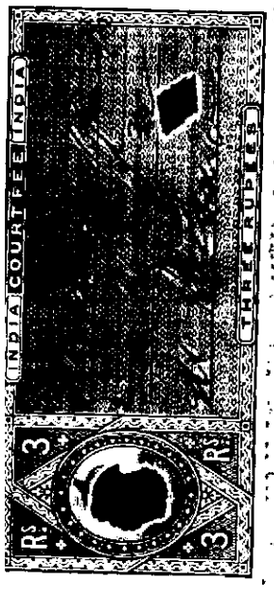
Errors if any one only — —
(True copy on one sheet only)

Jr Deputy Collector



Board of Revenue Reference ವಕಾಲತ್‌ನಾಮೆ.

(1908ನೇ ಇಸವಿ Vನೇ ಆಕ್ಟಿನ 3ನೇ ಆರ್ಡರ್ 4ನೇ ರೂಲ್ ಮತ್ತು ಸಿವಿಲ್ ರೂಲ್ಸ್ ಆಫ್ ಪ್ರೆಕ್ಟೀಸಿನ 276Aನೇ ರೂಲ್ಸ್ ಪ್ರಕಾರ)



ದಕ್ಷಿಣಕನ್ನಡಾ ಜಿಲ್ಲಾ ಕೋರ್ಟಿನಲ್ಲಿ

R Misc. ನಂಬ್ರ 19 72

ಭೀಮರಾಯ ಮತ್ತು ಬಳಗ
ಮೊದಲಾದವರು

ಇವರೊಳಗೆ

ಫಿರ್ಯಾದಿ

ದಕ್ಷಿಣಕನ್ನಡಾ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಗ್ರೇಡ್ ಸ್ಪೀಡರ್ ಮು. ರಾ. K. P. Shetty

ಮೇಲ್ಕಂಡ ವ್ಯವಹರಣೆಯಲ್ಲಿ ನ ನೆ ಕಡೆಯಿಂದ ವಕೀಲರಾಗಿ ನೇಮಿಸಿ ನ ನೆ ಕಡೆಯಿಂದ ಸಮಸ್ತ ವ್ಯವಹರಣೆ ನಡಿಸಲಿಕ್ಕೂ, ಅದರಲ್ಲಿ ಉಂಟಾಗುವ ಯಾವುದೊಂದು ಹುಕುಮಿನ ಡಿಕ್ರಿಯ ಅಮಲ್ ಜ್ಯಾರಿ ನಡಿಸಲಿಕ್ಕೂ, ಅಂಥಾ ಹುಕುಮುಗಳು ವ ಡಿಕ್ರಿಗಳು ಪೂರ್ಣ ಸಮಾಧಾನವಾಗುವ ವರೇಗೆ ಎಲ್ಲಾ ವಿಧದ ವ್ಯವಹರಣೆಗಳನ್ನು ನ ನೆ ಕಡೆಯಿಂದ ಹಾಜರಾಗಿ ವ್ಯವಹರಿಸಲಿಕ್ಕೂ, ನ ಕಡೆಯಿಂದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವ ನ ನೆ ಗೆ ಬರತಕ್ಕ ಹಣಗಳನ್ನು ಪಡಕೊಳ್ಳುವರೆಯೂ ಈ ಮೂಲಕ ಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೆ. ನ. ತಾ. ನೇ 19 ನೇ ಇಸವಿ.

5-7- 1972.

Address for service:

ಈ ವಕಾಲತು ಬರಕೊಂಡ ಮೇಲೆ ಹೆಸರು ಕಾಣಿಸಿದವರು/
ಇದನ್ನು ದಸ್ಕತು ಮಾಡಿ ನನ್ನ ಮುಂದೆ ಒಪ್ಪಿರುತ್ತಾರೆ. ತಾ. 5-7-1972.

ಪ್ರಭಾಕರ ಮುದ್ರಾಯಂತ್ರ, ಉಡುಪಿ.

R. Dis. 736-32.

Proceedings of the Sub-Collector, Coondapoor division,
Dated 2/5/32.

N. S. Arunachalam Esq., M. A., I.C.S.

Village Officers - Coondapoor Taluk - Kergal village - Headman - Bhardappa Bhatta - Dismissed from Service.

Coondapoor Tahsildar's reports Ref. 1626-31, 132/32 (2) Judgment in Sessions case no. 36/31 (3) The judgment of the High Court in Refd. Trial No. 170/31 (4) Record of Refd. Charge Sheet No. 6/31 on the file of the S.S.M. Coondapoor (5) Records of C.C. 8 and 195/31 on the file of the S.S.M. Coondapoor and (6) Written Statement filed by the patel Heard the patel in person.

Order.

Bhardappa Bhatta patel of Kergal was convicted by the Sessions Judge South Kanara of murdering (murdering) a woman named Subbi and sentenced to be hanged. He has been acquitted by the High Court on the ground that there was no sufficient corroboration to the statement of the deceased Subbi

(1)

2-29 28
20.32

GOVERNMENT OF MADRAS
THREE ANNAS
COPY STAMP

This is a departmental enquiry to decide whether this individual should be retained in Service as Potail or not.

2) The following facts found by the Sessions Judge are not disputed. Bhardappa was openly living in intimacy with Subbi who had a husband Rama. When Rama surprised the potail and Subbi sleeping toget the husband was not only roughly handled by the Potail's men but the Potail sent a false report to the po Station alleged to be by Subbi accusing Rama and others of dacoity. The police referred the case as false. Ram in his turn filed a complaint of theft etc against the Potail and others. The potail had this non compoundab case got out of the way by paying Rs 40/- The police beg to prosecute Subbi for the offence of giving a false complaint. The Potail presumably thought that the ~~discolosures~~ (disclosures) would be very damaging to him.

3) It was under these circumstances that Subbi who had been called to drink coffee at the Potail's house became ill of arsenic poisoning and died soon after. The High court held that ~~although~~ (although) ~~allegations~~ on account of the previous relation between Subbi and the Potail there wa

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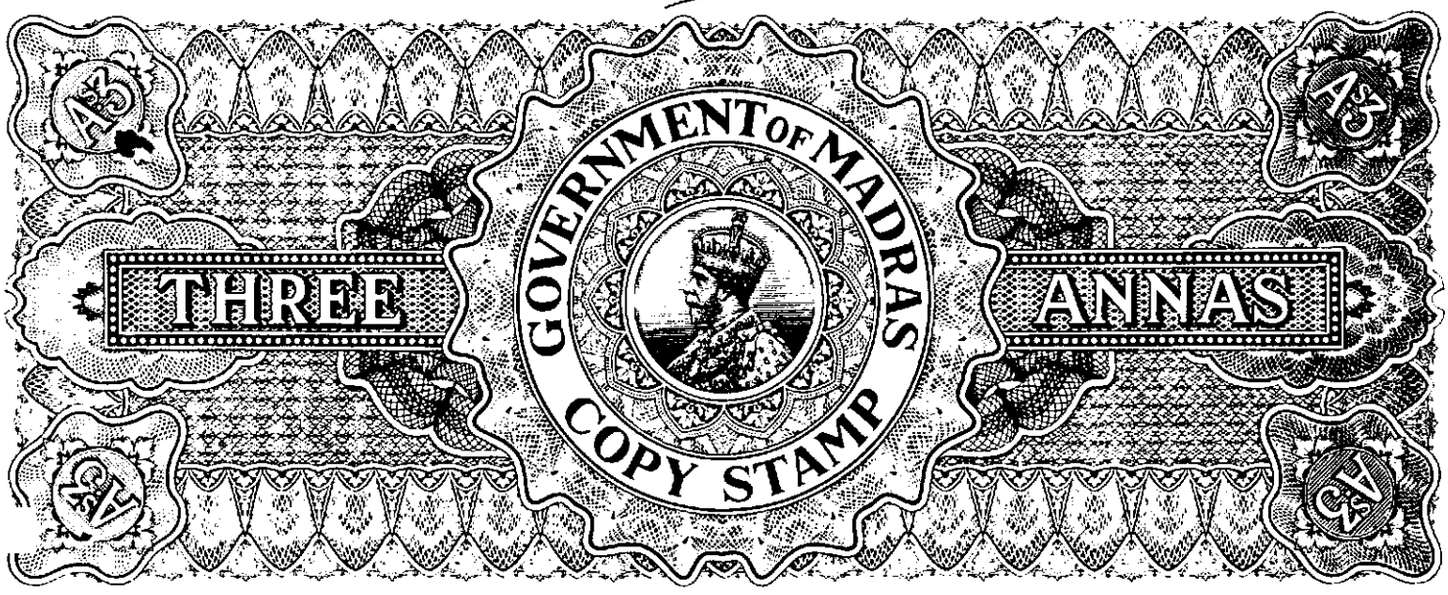
n. 2979



circumstances of suspicion against him yet they were no prepared to act on the uncorroborated testimony of the witnesses regarding Subbi's statement before death.

4) To deprive a man of his head is one thing and to deprive him of his post is another. What are insufficient grounds for the one may be ample for the other. The previous circumstances - open criminal intimacy roughly handling the husband when he discovers them attempting to (foist) foist a false case against him and compounding a non compoundable offence of theft these are themselves sufficient without taking into account the suspicions against him regarding the murder to decide unhesitatingly that Bhardappa is totally unfit for the responsible post of a village Patail.

5) I therefore dismiss him from service and direct that nobody of his family and undivided from him shall hold the post during his lifetime

10th (3) Ag

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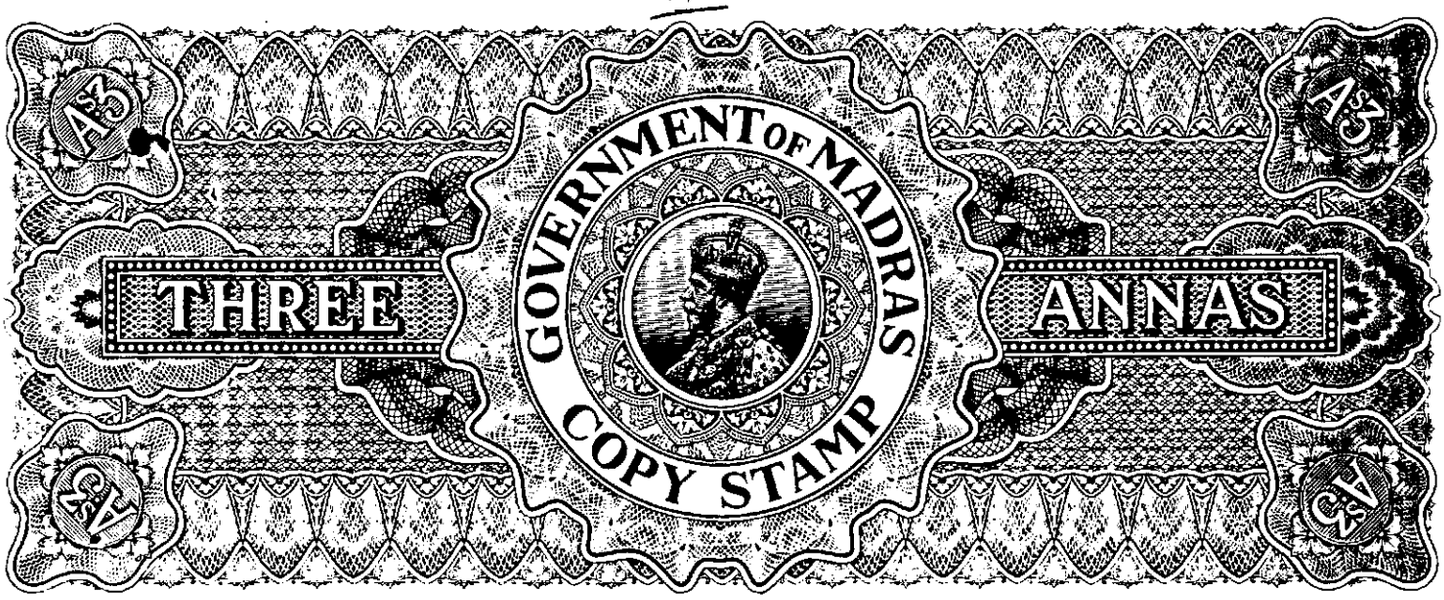
~ 2980

~ 2732



(Sd). N. S Arunachalam

2/5/32

223/32 from Mr. Bhandaffa Bhatta

20.7.32 Sub-Collector

20.7.32 True copy on four sheets

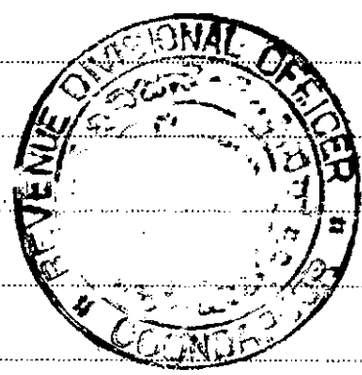
20.7.32 Words 528.

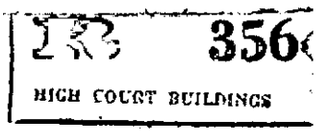
20.7.32 Errors etc (x) four only

20.7.32 Memo very well

Head clerk 20/7/32

Comp DG Workers 20.7.32 copied by MG





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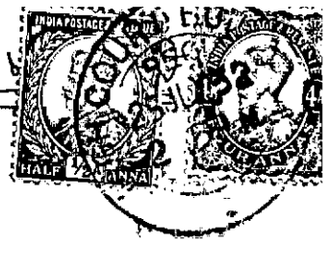
Registered



Board of Revenue

Board of Revenue.

Chepauk.

(Madras)

Sankaran Nair
Advocate
46 Popham's Broadway
Triplicane

Subject.

R. F. XXII-A-19--30,004-2-2-31 (6)

FOR MEMBER. Village officers - (South Kanara) - Coondapuntle Kergal Uge - Headman - Dismissal - Chendappa Bhatta - 2nd appeal - Records called for

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____ From the A. 2190/32, No. pp 1-4 C.C. dated _____ 193

" " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Ref A 2190/32/1 No. _____, dated 2/8/32 193

DESP[illegible]
3/8

To The Collector of South Kanara

with the petition in original to be resubmitted with reply

@ pp 1 - 18 C.

P.M.R. 3/8
H.R.S.

Forwarded to the Collector of South Kanara for submission of the connected records with remarks on any allegations in the petition which have not been clearly dealt with in the records.

K.S. 1.8.32
pp 1832

2-8-32

Remind Collector 2 - 10 - 32

HIGH COURT BUILDINGS

From
P. Sarvotham Rao
Advocate
46- Big Street
Triplicane

Registered ack. due

To

The Honourable Members of the
Board of Revenue
Board of Revenue
Chepauk
Madras

A 2474/32 pp. 23-30 CF.

TO A-5.

The records of the case have been called for from the Collector. This may be filed with the connected papers.

L.S.M.
5/6/32

RP 51 A 2 31 Dec

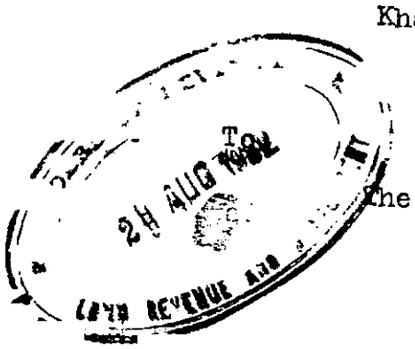
D.Dis. No.7164-32. South Kanara Collector's Office,

Camp Manjeshwar, dated 24-8-1932.

From

Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue and Settlement,

Madras.

Sir,

Village Officers - (South Kanara) - Coondapoor Taluk - Kergal village - Headman - dismissal - Cherdappa Bhatta - 2nd appeal - report submitted.

Board's Ref.A.2190-32-1, dated 2-8-1932.

I resubmit herewith the petition of Cherdappa Bhatta, Potail of Kergal village together with its enclosures received with the Board's reference quoted above.

2. The petitioner was involved in a murder case. He was tried by the court of Sessions of South Kanara and sentenced to the extreme penalty of the law in S.C.No. 36 of 1931. He had also been convicted for an offence under section 202 I.P.C. In appeal, the High Court quashed both the convictions and acquitted the petitioner. Please see the High Court Judgment in Referred Trial No. 170 of 1931 (Criminal Appeal No.670/1931).

3. On receipt of the High Court Judgment, the Sub-Collector, Coondapoor within whose jurisdiction the petitioner was serving as Potail, thought it fit to take departmental action against the petitioner. After a perusal of the records of criminal enquiry and the judgments of the Sessions and the High Courts he dismissed the petitioner from service. His order gives full reasons for such a decision. The petitioner preferred an appeal to me. On a perusal of the Sub-Collector's order, I came to the conclusion that his order was fully justified and therefore declined to interfere and dismissed his appeal in this office D.Dis.No.5232/32

dated 8-6-1932.

4. Turning to the petitioner's allegation in para. 2 of the petition it is true that no charge was framed in writing but the petitioner was orally informed of the charges against him, when he personally appeared before the Sub-Collector in response to a summons issued in the matter. This is clear from the Sub-Collector's note dated 5-5-32 at page 30 of his R.Dis. No. 736/32 dated 2-5-1932 and also from the preamble of the petitioner's explanation at page 33 of the same file. Besides B.S.O.133 (2) is not applicable to petitioner's case as he is not one of the sort of servants mentioned in it.

5. The records noted in the margin are enclosed.

1. Huzur D.Dis.No.5232-32. → (U)
2. Sub-Collector's R.Dis.No.736/32. → (T)
3. Judgment in S.C.36/1931. → (V)
4. High Court Judgment in Referred trial on 170/1931. → (L)
5. Referred charge sheet No.10/31 on the file of Stationary Sub-Magistrate, Coondapoor. → (M)
6. Records of C.C.No.81/1931 on the file of the Stationary Sub-Magistrate, Coondapoor. → (N)
7. Records of C.C.No.195/31 on the file of the Stationary Sub-Magistrate, Coondapoor. → (O)

For Collector.

24.8.32

37

Subject.

R. F. XXII-A-19--30.004 2-2-31 (6)

FOR MEMBER. Village officers. (South Kanara). Coondapur Tk - Kergal Village - Headman - Dismissal Bhendappa Bhatta - 2nd appeal - Orders passed

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :--

Register No. _____ From the A 2190/32 pp 1, -Nil Cf. , dated Q _____ 193

" " Board's Ref A 2190/32, dt 2-8-32 p. 21 Cf. } Q to Collector only

" " ~~A 2717/32 pp 35-36 Cf.~~ " }

" " _____ , " " _____ " " _____ , " _____ 193 .

RESOLUTION. Mis No. 2729 dated 13/9/32 193

This is a second appeal against the order of the Collector. D. Dis 5232-32 dt. 8-6-32 declining to interfere with the dismissal ordered by the Rev. Divl. officer in his RDis 736 of 32 dt 2-5-32. The Board has examined the records of the case.-

2). The appellant who was tried and convicted by the Sessions Court under section 302 and 2029. P.C. was acquitted by the High Court The Divisional officer took

departmental action and dismissed the appellant. His order is based on certain observations in the ~~Session's Judge's observations~~ judgment of the Sessions Court. If the Divisional officer ~~thought~~ considered that there was sufficient material for departmental action, he should have framed a charge or charges against the appellant recorded his explanation and answers in regard to the circumstances appearing against him and then passed his order. The ~~Collector, Ahmednagar~~ Board observes that he did not hear the appellant and disposed of the appeal summarily.

3) The Board is of opinion that if the ~~murder~~ charge of murder is withdrawn there does not seem anything else to charge the appellant with. Intimacy with another man's wife is not generally a sufficient reason for dismissal - nor are the consequent quarrels. The Board therefore cancels the ~~dismissal~~ order of dismissal passed by the Div: Civil officer.

(R. Dis 736 of 32 & 2-5-32)
which was confirmed by the
Collector in his D. Dis No
5232-32 & 8.6.32. ~~The~~
~~This appeal to the Collector, whether the~~ to consider
~~The question to be in~~ Circumstances charges should be framed
~~or not against the headman~~
~~is left to the Collector.~~ At
~~the same time the Board~~
~~points out to~~ the Dist. Officer
~~Collector~~ ~~that a man~~ should not
have ~~been~~ punished the headman
originally without framing
charges ~~framed~~ against him
giving him an
and an opportunity to ~~being~~
to him
~~given to~~ produce evidence
and ~~be heard~~ without hearing him.

4). The appellant is
referred to the Collector
of South Kanara for orders
on his petition.

K.S
9.9.32
10.9.32

To The appellant - (para 4 only)
M. R. Ry
Cherdappa Bhatta
C/o his Counsel
M. R. Ry
K. P. Sarvottama Rao garu
Advocate.
No. 46 Big St. Triplicane
with enclosures returned pp. 23-3-32
and a refund certificate
To the Collector of South Kanara
with records returned.
list at page 36 Ct

No. A 2190/32 **CERTIFICATE.**

I hereby certify that court-fee ~~stamp~~ stamps of the value of Rs. 3-8-0 only Three and annas Eight, affixed to petition / document in petition case No. A 2190 of 1932, is / are in excess of the legal requirements and has / have been unnecessarily affixed and that Chendappa Bhalla of ____ hamlet, Kergal village, Coondapur taluk, is therefore entitled to receive back the sum of Rs. 3-4-0 only Three and annas four only within thirty days from the date of this certificate from the Treasury at Coondapur sub

Re

Office Board of Revenue Name Asst Secretary

Dated 9/9/32 Designation ICS

To M RRy
Chendappa Bhalla
C/o M. RRy
K. Panchollamakrao garu
Advocate
No 46 Big Street
Triplicane

No. A 2190/32 **ADVICE.**

To The Sub Treasury Officer,
Coondapur

A certificate has this day been issued to the following individual for the refund of the value of excess court-fee stamps affixed to his petition / document.

Taluk Coondapur

Hamlet

Village Kergal Vge

Name of the party Chendappa Bhalla

Date of presentation of petition or document 13.7.32

The value of excess court-fee stamps affixed Rs(3-8-0) Three and annas eight only

Amount to be refunded Rs(3-4-0) Three and annas four only

Remarks

Office Board of Revenue Name Asst. Secretary

Dated 9/9/32 Designation ICS

Village officers. (South Kanara) - Coomda

S
A.S(L.R) per TC - Kergal Vge - Headman - Dismiss - Cherdappa Bhatta - 2nd appeal.

A. 2170/57. pp 1-6 cf

To A.S.

Non hereditary and non statutory

2). second appeal lies and is in time.

3). The appellant moves the Board

p. 17 cf against the Collector's order dismissing the appeal against the order of the Rev

pp 11-17 cf Divl. officer dismissing him from the

p. 15 cf office of the headman with a bar order that no undivided member of his family shall hold the office during his lifet

pp 11-17 cf 4) Please see the orders of the Rev

p. 7 cf Divl. officer and the Collector. The appellant contends that the Rev. divl

para 6 on p 2 cf officer was wrong in basing his order on the judgment of the Sessions Court, whi was reversed by the High Court and that

para 10 of p 3 cf no charges were framed against him nor ~~given~~ was he given an opportunity to meet the charges and adduce evidenc

5). The Rev Divl. officer stated in

p. 13 cf para 2 of his order that certain facts found by the Sessions Judge were not disputed. The remarks of the High Cou

f any, were not referred to nor was any explanation given by the headman discussed. The order of the Rev. Divl Officer shows that a written statement was filed by the headman and that he was ~~not~~ heard in person. The Collector's order does not show that he was heard. As the appellant was dismissed, he ought to have been given every opportunity to see and explain the charge framed against him. The sentence of death passed by the Sessions Judge was cancelled by the High Court and the appellant was acquitted. So the judgment of the High Court has to be perused before final orders are passed. As the appellant alleges that there were material defects in the conduct of the inquiry, the records of the case may be called for.

p. 11 of

p. 7 of

KS
29/7/32
29/7/32

S

Draft
1-8-32

To A.S.

A.S (L.R)

Draft submitted

KS.
1.8.32
1/8/32

1-8-32

M1
S
A·S·(L·R)

TO A·S·

The Collector has submitted the records of the case including the judgments of the Sessions Judge and the High Court

^ Flag (Z)
^^ Flag (y)

2). The appellant's contentions are :-

para 6 on p. 2 of

(i) that the High Court exonerated him from guilt in respect of both the charges

para 7 on p 2 of

and that the order of the High Court should be respected

para 10 on p 3 of

(ii) that no charges were framed against him and that he was not allowed an opportunity to adduce evidence.

3) Point I :— The appellant was suspected to have murdered Subbi and so ~~the~~ The case was committed to the Sessions Court. The charges against him are at pages 1 of (y). The Sessions Judge

para 18 on p. 7 of (y)

was of opinion that there were no other corroborative circumstances pointing to the guilt of the accused but yet sentenced him to death for the

p. 7 of (y)

reasons stated in para 18 of his judgment. The High Court considered

p. 5 of (Z)

that there were only circumstances of suspicion against the accused,

and that there was no evidence to show that ~~[illegible]~~ he killed Babbi and so set aside the conviction for murder. The conviction under the second charge was also set aside and the accused was set at liberty. p. 6 of (Z)

4) Point II :- The Rev. Divl. officer wanted to take departmental action against the appellant and summoned him. In response to the summons he appeared and filed a written statement. At the bottom of the written statement, a small statement was recorded by the Divl. officer. No witnesses were examined on behalf of the appellant. Please see the order of the sub-collector at p. 33 of (F) p 33 of (F)
~~[illegible]~~. The Divl officer passed a dismissal order coupled with a bar order as he was of opinion that the grounds which were considered insufficient for hanging pp 11-17 of ~~[illegible]~~ were ample for dismissing him from service. In appeal the collector did not send a notice to the appellant and did not hear him. The office p. 1 of (V) an endorsement ~~[illegible]~~ forwarding the appeal petition to the sub-collector for the approval of the collector. He instead of approving

the endorsement passed orders on the appeal declining to interfere the procedure adopted by the Collector appears to be wrong Though this is a non hereditary district the rules prescribed for conducting enquiries in the hereditary tracts should have been followed.

5). The High Courts judgment completely exonerated the appellant from all guilt The punishment awarded by the Divl. Officer is dismissal coupled with a bar order. In a similar case in which the High Court exonerated a person from all guilt the Board interfered and modified the order of the Collector.

p 15 cf

Hay (C) Please see B. p 2677 dt 26.5.31.

In the present case it is for the consideration of the Board whether the punishment is justified in the circumstances of the case

6. The appellant who was fined and convicted by the Sessions Court for offences under ss 302 & 202 I.P.C was acquitted by the High Court. The Divl. Officer then took departmental action and

21/9/32

dismissed the appellant. He remarked that "the present circumstances - open criminal intimacy, roughly handling the husband when he discovers them, & attempting to foist a false case against him and compounding a non-compoundable offence of theft - these are themselves sufficient in that to bring into account the suspicions against him regarding the murder - to decide unhesitatingly that Chandappa is totally unfit for the responsible post of a village patel. The Collector disposed of the appeal summarily.

p 132: f

The Dist. officer's order is based on certain observations in the lengthy judgment. If the Dist officer thought that there was sufficient material for departmental action he should have framed a charge or charges against the appellant, recorded his explanation and answer in regard to circumstances appearing against him. and then passed this order, when the appellant is not convicted by a Criminal Court of criminal intimacy, or roughly handling his husband, or compounding a non-compoundable offence of theft or of murder the Dist

officer was not justified in dismissing the appellant on these grounds. His order may be set aside and he may be told to frame charges, conduct an enquiry and then pass an order.

J

I agree. (Incidentally, officer grades (B) (C) as a parallel: they must be discriminating in such circumstances. It's all a question of the facts of the individual case: there's a vast difference between being completely exonerated and being lucky to escape from the gallows.)

A.Hl/6.9.32

Ind.

If the murder charge is withdrawn there doesn't seem much else to charge the man with. Intimacy with another man's wife is not generally a sufficient reason for dismissal – nor are the consequent quarrels.
The dismissal order will be cancelled & the case be left to the C.O. whether or not charges will be framed against the Const. Patel. Point out that the man will not have been punished originally without a charge framed, & an opportunity to produce evidence & be heard.

Draft by J

J.P.M.

P.T.O

9 - SEP 1932

T.O. A.S. | A.S(L.R)

Draft submitted

2). According to note 3 to rule 49 of the S.R. Funds Code the authority restoring a village officer on appeal should decide whether he should receive any pay for the period he was out of employ. In this case the headman is now restored. So this question need not be considered now. | p. 15 of S.F.C.

KS 9.9.32 | M 10/9

Signature